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Held at Headquarters, New York, on Thursday, 17 March 2011, at 10 a.m.

Chairperson: Ms. Majodina

Contents

Consideration of reports submitted by States parties under article 40 of the Covenant (*continued*)

Third periodic report of Slovakia (continued)

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The meeting was called to order at 10:05 a.m.

Consideration of reports submitted by States parties under article 40 of the Covenant (*continued*)

Third periodic report of Slovakia (*continued*) (CCPR/C/SVK/3; CCPR/C/SVK/Q/3 and Add.1)

1. At the invitation of the Chairperson, the members of the delegation of Slovakia took places at the Committee table.

2. **The Chairperson** invited the delegation to continue its replies to the questions raised by the Committee at its previous meeting.

3. **Ms. Vozáryová** (Slovakia), replying to questions about measures of protection for people in detention centres, said that her country applied international treaties requiring it to treat detainees in a humane manner and to have effective controls to ensure adherence to human rights standards. Internal controls were carried out by the inspection services of the relevant ministries: the Ministry of Internal Affairs for police detention centres; the Ministry of Justice for jails and prisons, and the Ministry of Health for cases in which personal freedom was restricted for health-related reasons. In addition, an inspection service reporting directly to the Ministry of Internal Affairs conducted independent investigations of crimes allegedly committed by police officers. External controls were effected by the Prosecution Office, which made regular and spot inspections of detention centres, and by the Ombudsman, who was legally and constitutionally entitled to check such facilities at any time for human rights compliance. Furthermore, as a member of the Council of Europe, Slovakia was subject to visits and assessments by the European Committee for the Prevention of Torture and complied with its recommendations.

4. With respect to criminal sanctions for perpetrators of domestic violence, Slovak legislation had recently undergone a number of changes. The police had been given the authority to impose a 48-hour restraining order against alleged perpetrators of domestic violence, pending interlocutory injunction. Rape was recognized as a criminal offence in and outside marriage, and the penalties for rape of related persons were high. In addition, new action plans were implemented at three- to four-year intervals and would soon provide administrative or legislative mechanisms to assist women threatened by domestic violence.

5. **The Chairperson** invited the members of the delegation to pose questions on issues 13 to 24 of the list of issues, as well as any remaining follow-up questions regarding issues 1 to 12.

6. **Mr. Thelin** said that Slovakia's recent accession to the European Union was of considerable importance, as the rigorous requirements for membership allowed a strong assumption of compliance with human rights standards.

7. With respect to question 13 regarding investigations and prosecutions against police officers, he would like clarification on the number of complaints filed. While the written reply to that question implied that there had been very few, the reply to question 15 indicated that 10 per cent of all financial compensation had been awarded to victims of torture and ill-treatment, which was somewhat contradictory. A breakdown of complaints handled by the Ministry of Internal Affairs, the Prosecution Office and the Ombudsman would also be helpful.

8. At the previous meeting, he had been pleased to learn that the police officers involved in the Košice incident had been convicted. Although he was aware that the verdict could be appealed, he would like know the sentences imposed and whether compensation had been ordered for the six victims. In another, less well-publicized, anti-Roma incident in May 2009, police in the village of Huncovce had encircled a Roma settlement, entered houses, shouted racist epithets at women and children, destroyed property and arrested several Roma. He wondered if any formal charges had been brought against the perpetrators and if any disciplinary action had been taken.

9. Also on the issue of the Roma, he would like to know what steps had been taken to comply with paragraph 19 of the Committee's Concluding observations (CCPR/CO/78/SVK), which had urged Slovakia to take steps to gather statistical data reflecting the current size of the Roma population.

10. Paragraph 65 of the written replies mentioned a programme to promote positive police involvement in Roma communities. He wondered whether that programme was part of the Solidarity-Integrity-Inclusion 2008-2013 medium-term concept. He also wished to know what mechanisms would be used to assess the programme's effectiveness. It was easy to adopt measures, harder to implement them and harder

still to evaluate the results. Benchmarks, follow-ups and comparisons were imperative.

11. In reference to question 14 regarding persons placed in detention cells, it would be useful to have statistics on the number of requests for medical attention for alien detainees in order to form some idea of how well the police complied with the prompt medical treatment rule. He wondered whether video and/or audio recordings made in detention cells were saved, since archived recordings might be useful to investigative bodies carrying out internal or external investigations, as well as to individual aliens wishing to file claims. Also, it was unclear whether recording equipment was available in detention centres for aliens, or only in general facilities. Concerning the detainee's right of access to a lawyer, he would like to know how much time would be considered undue delay. Lastly, he wondered whether aliens held in custody were informed of their right to medical attention, since doing so might require an interpreter.

12. Turning to question 15 concerning the reparation of victims of torture and ill-treatment, he asked if Ministry of Justice decisions on reparation were subject to review or appeal outside the Ministry. He also wished to know whether compensation awarded under the Ministry of Justice compensation mechanism described in the written reply was paid by the awarding body and whether the Ministry was bound by court decisions.

13. Referring to question 18 on procedural safeguards to protect the principle of non-refoulement, he said that he was grateful for the information conveyed at the previous meeting regarding the circumstances of the extradition of Algerian national Mustapha Labsi to Algeria. However, he was concerned by an Amnesty International public statement, according to which the then-Minister for Internal Affairs had made light of the Court's penalty of "only a couple of thousand euros" for non-compliance with interim measures. He wished to know if the Minister had been misquoted, because if not, his disrespect for the decision of a supranational human rights body — perhaps a vestige of Slovakia's communist past — might encourage similar attitudes among his subordinates.

14. In reference to question 19 on the procedure for determining refugee status, he noted that, according to the written reply, the determination of the police department could be appealed to increasingly higher levels of the Ministry of Internal Affairs and, subsequently, to the competent regional court. He wondered if it could ultimately be appealed to the Supreme Court or even the Constitutional Court. He also wished to know to what extent legal counsel was available at the various levels, especially at the pre-court level. In addition, it was not clear if the Legal Aid Centre provided aid only for Ministry of Internal Affairs proceedings or at other stages as well.

15. **Ms. Chanet** said that she was still awaiting a reply to her question regarding the Constitutional Court's decision of October 2005 banning positive discrimination. Although the delegation was trying to answer all of the Committee's questions fully, it sometimes seemed as if its focus was on social, economic and cultural rights, not human rights.

16. Paragraphs 188 and 189 of the periodic report gave different maximum times — 24 hours, 48 hours and 72 hours — within which a detained person must be released or referred to a court. She would like to know the standard maximum time, as well as who had the authority to increase the length of detention and to what type of court a detainee could be referred. Furthermore, it was not clear at what point the detainee was allowed the counsel of a lawyer, nor the length and quality of that counsel. She wondered, for example, if the lawyer was given access to the case file or could be present during questioning.

17. Regarding legal assistance, she would like to know the financial eligibility requirements for legal aid in the case of criminal proceedings.

18. She was pleased to see that civilians were no longer tried in military courts except in cases of crimes of national security, and asked if such cases were common.

19. **Mr. Iwasawa** said that it was still unclear why the Covenant had never been invoked before the courts in cases of domestic violence against women. With respect to question 20 requesting information about the motion before the Constitutional Court to review the compatibility of the Press Act with the Constitution and the Convention for the Protection of Human Rights and Fundamental Freedoms, the written reply, which merely cited the numbers of the articles subject to review, was not informative in the absence of the texts. While he had managed to track down a copy of the Constitution, it would be useful to have a copy of the Press Act or its relevant articles made available in a

working language of the Committee or, failing that, an explanation of the aspects at issue, both in the country and before the court. A footnote in the periodic report cited a *Slovak Spectator* website, according to which opposition members of Parliament had filed the motion because they did not think that the media should be required to protect its sources. He would like to know if that assertion was correct and, in general, the positions and arguments of both parties. He would also like to know if the Constitutional Court had ruled on the matter since the written replies had been finalized.

20. The reply to question 22 on the corporal punishment of children seemed to imply that corporal punishment was not explicitly criminalized in alternative care settings and schools. If that was the case, he would like to know if Slovakia had plans to prohibit it explicitly in those settings. Regarding corporal punishment in the home, he would appreciate the delegation's comments on research by the Bratislava International Centre for Family Studies indicating that the overwhelming majority of Slovak parents considered corporal punishment acceptable.

21. Turning to question 24 regarding the dissemination of information on the Covenant and its Optional Protocols, he wondered whether the reason that no provisions of the Covenant had been invoked before or by the courts was that judges, prosecutors and lawyers were not trained in the area of international human rights treaties. The written reply mentioned a newly established Council of the Government of the Slovak Republic on Human Rights, National Minorities and Gender Equality, whose duties included disseminating information on the Covenant and deliberating on all periodic reports to be submitted to treaty bodies. He would appreciate further details about the Council, including how its members were elected, what its functions were, how it would disseminate information and what its "deliberations" on periodic reports would entail.

22. **Ms. Motoc** wished further information about how the Constitutional Court's 2005 decision banning positive discrimination affected laws on national minorities. Regarding the forced sterilization of Roma women, an explanation of why the Government did not consider it genocide would help the Committee to understand the phenomenon not only in Slovakia but in other countries of Central Europe as well.

23. **Sir Nigel Rodley** had been pleased to learn that the sterilization rate was lower among Roma women than in the general population. He wished to know the source of the statistics quoted and the methodology used to arrive at them.

24. He was glad to note that the right of conscientious objection was guaranteed under the Slovak Constitution. In that light, he wondered whether Slovak law provided for persons who became conscientious objectors after joining the military.

25. *The meeting was suspended at 10:55 a.m. and resumed at 11:30 a.m.*

26. **The Chairperson** invited the delegation to respond to the questions raised by the Committee.

27. **Mr. Pollák** (Slovakia), replying to the questions about Roma issues, said that the 10 Košice police officers had been indicted and stripped of their jobs shortly after the incident. In early 2011, the district court had found them guilty of abuse of power by a public official and had sentenced them to prison terms ranging from 4 to 10 years in view of the racial and ethnic motivation of the crime. Under Slovak law, compensation was determined in separate civil proceedings once the criminal verdict was no longer subject to appeal, so that no compensation had yet been set. He could not comment on the Huncovee case, which was still open. However, that and similar cases had led the Ministry of Internal Affairs to strengthen the number of specially trained police officers working in Roma communities.

28. With respect to monitoring mechanisms, new action plans were nearing completion in the areas of housing, health, education, employment and social inclusion for Roma communities. The Office of the Plenipotentiary for Roma Communities would be developing a new strategic medium-term plan, and in doing so it would review all of its pro-Roma actions. The action plans precisely defined responsibilities, timing and deadlines so that data would be comparable for the purposes of updating and review.

29. When Slovakia had held the presidency of the Decade of Roma Inclusion, the Czech Republic had proposed creating a joint system to monitor and review the action plans of all member States, but it had proved too difficult to find comparable indicators across all countries. Although the Slovak Statistical Office could not by law collect ethnically linked data, the Office of

the Plenipotentiary did have some internal data and had used it to create the 2004 map of Roma communities, which it was in the process of updating. The map was important because it allowed organizations applying for funding from European structural funds to support their applications with numbers.

30. As for the focus on social and economic problems, the Office of the Plenipotentiary looked at the life of the Roma communities as a whole, which of course included issues of discrimination. It had been cooperating very closely with the European Roma Rights Centre in Hungary on respect for the human rights of Roma in Central Europe, as well as with the organization People against Racism (*Ľudia proti rasizmu*) in Slovakia. In 2010, the Office had lodged several actions still before the courts involving often racially motivated violations of Roma human rights.

31. **Ms. Ondrášová** (Slovakia) said that, as mentioned at the previous meeting, the 2008 School Act specifically prohibited corporal punishment in all children's facilities, from orphanages and kindergartens to dormitories and high schools. An action plan for solidarity and inclusion of Roma through the university level had been adopted in April 2008. The Ministry of Education had since developed an implementation schedule, based on the availability of State and European funding, that included quarterly progress assessments. The action plan provided support through the Ministry of Labour, Social Affairs and Family for children from disadvantaged backgrounds who had been placed in special needs categories and, under the School Act, required individualized curricula and educational environments. For the 2010-2011 academic year, €5.8 million had been set aside to assist 65,590 such socially disadvantaged children. The State School Inspectorate and various schools were monitoring progress, but it was too early to assess the overall results. The category of teacher assistant, created in 2002 to provide extra help for Roma children, had been supplemented under a recent law on pedagogical and professional staff by two teacher-level categories for specialists in children from socially disadvantaged backgrounds. An upcoming national project for Roma inclusion provided for a two-year deployment of 4,000 such pedagogical staff, including 400 teacher assistants, to 200 regular elementary schools, where day-long programmes would help disadvantaged children catch up with their peers and complete the regular curriculum. The goal was to correct the past practice of placing Roma children in special elementary schools where they had been unable to obtain a regular education. Because the project was funded not only by the State but also by a European Union operational programme for education, both the funding and the progress of the initiative would be monitored.

32. **Ms. Vozáryová** (Slovakia), responding to questions about the volume of complaints against police officers, said that she had statistics for the Ministry of Internal Affairs only and would need to provide information on complaints filed through the Prosecution Office and the Ombudsman in writing at a later date. The Ministry's inspection service had logged 2,164 possible crimes by police officers based on complaints filed by citizens or its own investigations, and a total of 151 police officers had been indicted for 183 crimes.

33. In response to the question as to whether video and/or audio recordings made in detention cells were available for future use, including for the investigation of complaints, she said that the Police Act did not make video or audio recording in detention cells mandatory, but where such equipment was present, recordings were made and were available for future use. That question was indirectly related to the issue of immediate access to medical care and legal counsel. According to the Police Act, if a police officer found that a person to be detained was intoxicated, injured or ill, or if the person claimed injury or illness, the officer was required to have the person examined immediately by a doctor to determine whether he or she could be placed in custody. If a person already in custody became ill or attempted suicide, police officers were required to take appropriate emergency measures to protect his or her life and health and to call a doctor. The Ministry's internal regulations required officers to give immediate notice to the next of kin in the event of death. Doctors had unlimited access.

34. According to the Police Act, persons in custody had the right to file actions and complaints. Determinations as to the lawfulness and duration of detention were the responsibility of the Prosecution Office.

35. Access to legal counsel without undue delay meant that a person in custody was entitled to telephone a lawyer immediately from the police station. If injured or otherwise incapacitated, he or she

was entitled to call as soon as able. Prisoners were given the opportunity for confidential communication with their lawyers.

36. Under the Constitution, everyone had a right to health protection, including aliens held in alien detention centres. Aliens were required to undergo medical examinations on admission, and medical care was available at all times from the staff doctor. Treatment beyond the capacity of the facility was provided in hospital under police escort. The Ministry of Internal Affairs covered all medical expenses except in the case of treatment for self-inflicted injury, which was paid by the patient. Detained aliens enjoyed the same right to confidential communication with a lawyer as suspected criminals. In the case of aliens, that right included the presence of an interpreter, whose services were provided immediately and paid by the State. Aliens could chose their own interpreter at their own expense. The Ministry's Legal Aid Centre provided free legal assistance to aliens facing expulsion or extradition, as well as to asylum-seekers.

37. The applicant's lawyer and interpreter were always present during asylum proceedings. The initial decision by the Migration Office of the Ministry of Internal Affairs could be appealed to the regional court, and the regional court decision could be appealed to the Supreme Court, whose decision was final. In addition, in accordance with the Slovak Constitution, an asylum-seeker could file a complaint with the Constitutional Court, which would review the proceedings for compatibility with the Constitution and international treaties. In such cases, the court of last instance was the European Court of Human Rights.

38. The case of Mustapha Labsi had gone through all instances. The European Court of Human Rights had considered that he should not be extradited from Slovakia until all remedies had been exhausted. She pointed out that the person quoted in connection with that case was a Ministry of Internal Affairs spokesperson, not the Minister himself. When read in full, his statement showed no intent to demean the authority or decisions of the Court. Slovakia had taken the risk of incurring a fine and appearing to violate human rights in order to protect the interest of its own national security and the security of the Schengen Area member States, with the conviction that it was not placing the individual in danger of torture or death in his homeland because he had already been convicted of terrorism in other countries.

39. With respect to the length of detention in police custody, the Police Act gave the police a maximum of 24 hours to determine whether a detainee should be released or handed over to the court. Under the Code of Criminal Procedure, the court then had 48 hours to decide whether the person held in remand custody should be released or remain in custody during investigation. In the case of specific, very serious crimes, that deadline was extended to 72 hours.

40. With respect to military courts, such courts had been abolished with effect from 1 April 2009. Crimes of national security were prosecuted in regular civil courts, and special criminal courts had been established for crimes of corruption and organized crime offences carrying prison sentences of eight years or more. As in the case of detained aliens, when suspected criminals were detained, they were entitled to the presence of a lawyer at their request. Furthermore, the Code of Criminal Procedure required all detainees to be represented by a lawyer in court proceedings in order to ensure that they understood each step of the proceedings.

41. **Ms. Jančulová** (Slovakia) said that the new Government Council on Human Rights, National Minorities and Gender Equality was a permanent advisory, coordinating and consulting body in the areas of fundamental human rights and freedoms; political and civil rights; economic, social and cultural rights; environmental protection rights; cultural heritage rights; the rights of national minorities and ethnic groups and the rights of children, which also had responsibility for enforcing equal treatment and the principle of equality, including gender equality. A primary function of the Council would be to take positions on Slovakia's internal fulfilment of international and European human rights obligations, including its obligations under the Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms. In that context, it would provide for the availability of information on the Covenant and would debate proposed draft reports on Slovakia's fulfilment of its obligations. It would also coordinate the policies and programmes of ministries and human rights bodies, cooperate with regions, NGOs, municipalities, scientific laboratories and academic institutions and would submit actions, recommendations and complaints within its jurisdiction. It would advise the Government on human

rights policy and on proposed measures and actions to improve respect for human rights.

42. The Council was composed of a chairperson (the Government-appointed Deputy Prime Minister for Human Rights and National Minorities), two deputy chairpersons (the Minister of Labour, Social Affairs and the Family and the Minister of Justice) and additional members appointed by the chairpersons. Committees of the Council had been created from previously established Government advisory bodies in the areas of human rights and support for civil society, although there were also two new committees.

43. With respect to question 24 on the involvement of civil society in the preparation of the periodic report, the report was based in part on information published by NGOs, which had been given the opportunity to participate in the intra-ministerial procedure for commenting on the report. Moreover, in view of the commitments in the most recent Government Manifesto to create a space for citizen participation in public matters and to invite NGOs to partner with the State on important social development issues, appropriate legislative reforms were under way with a focus on streamlining the apparatus and increasing efficiency. Lastly, on 2 March 2011, the Office of Plenipotentiary for the Development of Civil Society had been established to raise awareness of the importance of civil society and to create partnerships aimed at developing mechanisms for civic participation. The Plenipotentiary was a member of the Council on Human Rights, National Minorities and Gender Equality and would chair a new committee for NGOs.

44. **Mr. Koterec** said that, with respect to the Press Act, the Government would soon be submitting an important amendment to Parliament, which should be adopted in the near future.

45. **Ms. Vozáryová** (Slovakia), returning to the issue of forced sterilization, said that in 2003, as mentioned, the criminal investigation, aided by a special team within the police force and a commission of experts in gynaecology and obstetrics within the Ministry of Health, had concluded that there was no evidence of forced sterilization and had halted the investigation. Proceedings halted by investigators were subject to independent review by the prosecutor to ensure that no evidence had been overlooked. During the review process, the prosecutor had noted instances of administrative and procedural errors by health staff, and the laws had been amended to prevent their repetition. Applicants for sterilization now had a 30-day period in which to withdraw their application. The case had been followed carefully by various international organizations in cooperation with the Government of Slovakia, and Slovakia had submitted a position paper to the Committee on the Elimination of Discrimination against Women with details on the investigation and the measures adopted, including the legislative changes. That Committee had decided that there were no grounds for investigation under article 8 of the Optional Protocol.

46. **The Chairperson** invited the members of the Committee to ask follow-up questions concerning the replies for issues 13 to 24 of the list of issues.

47. **Mr. Thelin** said that, with respect to the number of complaints filed against police officers in 2010, he would be happy to receive the statistics on the Prosecution Office and the Ombudsman in writing. He wondered if the Ministry of Internal Affairs, the Prosecution Office and the Ombudsman could also provide global figures on torture and ill-treatment for the 2006-2010 period so that the Committee could compare them with the figures provided for questions 13 and 15.

48. **Mr. Iwasawa** said that he understood that the Constitutional Court had not yet issued its decision on the motion under the Press Act, but the Committee was unable to grasp the issues involved and would therefore be grateful for an explanation.

49. **Mr. Koterec** (Slovakia) said that his delegation would obtain a written explanation of the issues involved in the motion from the Ministry of Culture, which was handling the matter. Summing up, he said that the meeting had been an efficient and useful tool for evaluating the human rights situation in Slovakia. The Government would give due consideration to the Committee's recommendations and would endeavour to take them into account in the next report.

50. **The Chairperson** agreed that the meeting had been constructive. The Committee welcomed the new Government's seriousness in facing up to Slovakia's human rights challenges, as illustrated, inter alia, by its establishment of the Council on Human Rights, National Minorities and Gender Equality. However, there remained many areas of considerable concern, dominated by the issue of the Roma. The Committee

would provide detailed concluding observations and recommendations and hoped that the renewed dialogue would help with the difficult task of putting Slovakia back on track on human rights.

51. *The delegation of Slovakia withdrew.*

The discussion covered in the summary record ended at 12.30 p.m.